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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 07-70337 PVT  
12 Plaintiff, )  
13 v. ) **STIPULATION TO CONTINUE  
14 KHAHN DANG VU and ) PRELIMINARY HEARING AND  
15 LAM THANH NGUYEN, ) EXCLUDE TIME; [PROPOSED] ORDER**  
16 Defendants. )

17 Defendants and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the preliminary hearing in the above-captioned matter, presently  
19 scheduled for Thursday, July 12, 2007, be continued to Thursday, August 23, 2007, at 9:30 a.m.  
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21 The continuance is requested because one or both defendants may agree to proceed by  
22 Information and waiver of Indictment, but additional time is needed for counsel to review the  
23 case before making that determination. Additionally, substitute counsel, Mary Conn, Esq., has  
24 recently been retained on behalf of defendant Lam Thanh Nguyen, and requires time to  
familiarize herself with the case.  
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26 The parties further agree that time for arraignment or preliminary hearing should be

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1 excluded under the Speedy Trial Act because the defense requires time for effective preparation  
2 and investigation, and the ends of justice outweigh the defendants' and the public's need for  
3 filing charges on an earlier date.

4

5 Dated: 7/9/07

/s/  
LARA S. VENNARD  
Assistant Federal Public Defender  
Attorney for Khanh Vu

6 Dated: 7/9/07

/s/  
MARY CONN  
Attorney for Lam Thanh Nguyen

7 Dated: 7/10/07

/s/  
JEFFREY B. SCHENK  
Assistant United States Attorney

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**ORDER**

10 The parties have jointly requested a continuance of the preliminary hearing set for July  
11 12, 2007, to allow time for one or both defendants to determine whether to proceed by  
12 Information or Indictment, and to allow time for new counsel, Mary Conn, Esq., to familiarize  
13 herself with the case.

14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
15 presently set for July 12, 2007, be continued to August 23, 2007, at 9:30 a.m.

16 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
17 from July 12, 2007 to August 23, 2007, shall be excluded from the period of time within which  
18 charges must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

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20 Dated:

21 PATRICIA V. TRUMBULL  
22 United States Magistrate Judge

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